

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO P.W.K. AND P.C.W.,
MINOR CHILDREN.

No. 53849

DENA L. K.,
Appellant,
vs.
WASHOE COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Respondent.

FILED

NOV 13 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order terminating appellant's parental rights as to the minor children. Second Judicial District Court, Family Court Division, Washoe County; Deborah Schumacher, Judge.

The district court determined that termination of appellant's parental rights was in the children's best interests and found three grounds of parental fault: appellant's failure to make parental adjustments, only token efforts to support or communicate with the children, and unfitness. Based on these findings, the district court terminated appellant's parental rights. Appellant has appealed, contending that the district court failed to consider expert testimony that would allegedly refute the district court's findings.

"In order to terminate parental rights, a petitioner must prove by clear and convincing evidence that termination is in the child's best interest" and that parental fault exists. Matter of Parental Rights as to D.R.H., 120 Nev. 422, 428, 92 P.3d 1230, 1234 (2004); NRS 128.105.

This court will uphold a district court's termination order if substantial evidence supports the decision. D.R.H., 120 Nev. at 428, 92 P.3d at 1234.

When determining whether a parent has failed to make parental adjustments under NRS 128.105(2)(d), the court evaluates whether the parent is unwilling or unable within a reasonable time to substantially correct the conduct that led to the child being placed outside of the home. NRS 128.0126. A parent's failure to adjust may be evidenced by the parent's failure to substantially comply with the case plan to reunite the family within six months after the child has been placed outside of the home. NRS 128.109(1)(b). Parental fault may also be established when a parent makes only token efforts to support or communicate with the child. NRS 128.105(2)(f)(1).

Having considered appellant's arguments and the appellate record, we conclude that substantial evidence supports the district court's order terminating appellant's parental rights. In particular, the record indicates that appellant did not demonstrate that she made parental adjustments because she failed to comply with the case plan to be reunited with her children within six months after the children were placed outside of the home. And appellant made only token efforts to support or communicate with her children. Appellant's proposed witnesses could not have negated the evidence on which these findings were based. Although the district court recognized appellant's sincerity in wanting an opportunity to be an effective parent to the children, the court properly recognized that the children had been in foster care for over two years and that the children's best interests were served by terminating appellant's parental rights. NRS 128.005 (states that the key considerations in a termination case are "[t]he continuing needs of a

child for proper physical, mental and emotional growth and development"). Accordingly, as substantial evidence supports the district court's order terminating appellant's parental rights, we

ORDER the judgment of the district court AFFIRMED.¹

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Deborah Schumacher, District Judge, Family Court Division
Dena L. K.
Washoe County District Attorney Richard A. Gammick,
Civil Division
Washoe District Court Clerk

¹We deny as moot all pending motions in this matter.

Because we determine that substantial evidence supports the district court's finding of failure of parental adjustment and that appellant made only token efforts, we need not consider whether the district court properly found that appellant was unfit. See NRS 128.105 (providing that, along with a finding that termination is in the child's best interest, the court must find at least one parental fault factor to warrant termination).